

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE

No. C-11-3522 EMC (pr)

JEFFREY HARDING,

**ORDER OF DISMISSAL**

Plaintiff.

This action was opened when the Court received from Jeffrey Harding a memo addressed to the California Prison Health Care Receivership Corp. that was mailed to the Court's law library. The letter expressed displeasure with medical care in the prison at which Harding was housed. The Clerk opened a case file, and sent out a notice that Harding had not filed a complaint, and cautioned that the action would be dismissed if he did not submit a complaint within thirty days. The Clerk also sent out a notice that the action was deficient due to the failure to pay the filing fee or furnish a completed and signed court-approved *in forma pauperis* application, and cautioned that the action would be dismissed if he did not pay the fee or file the application materials within thirty days. Harding then sent a letter stating that he did not intend to file a complaint and requested that the action be dismissed without prejudice. (Docket # 4.)

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1 In light of Harding's explanation that his letter was not intended to be a complaint to  
2 commence a new action, this action is **DISMISSED** without prejudice because it was opened in  
3 error. No filing fee is due. The Clerk shall close the file.

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5 IT IS SO ORDERED.

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7 Dated: October 21, 2011

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10 EDWARD M. CHEN  
11 United States District Judge  
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